

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

**GENCO SHIPPING & TRADING
LIMITED, et al.,**

Debtors.

Chapter 11

Case No 14-11108-shl

Jointly Administered

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): FISHER BROTHERS MANAGEMENT CO. LLC and FISHER-PARK LANE OWNER LLC
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal: claimants

For appeals in an adversary proceeding.

- ☐ Plaintiff
- ☐ Defendant
- ☐ Other (describe)

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
- ☒ X Creditor
- ☐ Trustee
- ☐ Other (describe)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Disallowing Lease Claims [Docket No. 499]
2. State the date on which the judgment, order, or decree was entered: June 3, 2015

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Fisher Brothers Management Co. LLC and Fisher-Park Lane Owner LLC

Attorney: Paul Hastings LLP
75 East 55th Street
New York, NY 10022-3205
(212) 318-6000

2. Party: Genco Shipping & Trading Limited, Debtor

Attorney: Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

_____/s/ Harvey A. Strickon_____
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: June 15, 2015

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Harvey A. Strickon, Esq.
Paul Hastings LLP
75 East 55th Street
New York, NY 10022-3205
(212) 318-6380

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re:	:	Chapter 11
	:	
GENCO SHIPPING & TRADING LIMITED, <u>et al.</u> ,	:	Case No. 14-11108 (SHL)
	:	
Debtors.	:	Jointly Administered
	:	Related Docket Nos. 462, 467, 481,
	:	& 489
-----X	:	

ORDER DISALLOWING LEASE CLAIMS

Upon the Reorganized Debtors’ Objection to Claim Numbers 69 and 70 Regarding the Rejection of Unexpired Nonresidential Real Property Leases and Associated Agreements (the “**Objection**”)¹ of Genco Shipping & Trading Limited (“**Genco**”) and substantially all of its direct and indirect subsidiaries (each a “**Reorganized Debtor**” and collectively, the “**Reorganized Debtors**”) in the above-referenced chapter 11 cases (the “**Chapter 11 Cases**”), for entry of an order disallowing and expunging the Lease Claims, as more fully described in the Objection; and the Court having subject matter jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. § 1334 and the Amended Standing Order of Referral of Cases to Bankruptcy Court Judges of the District Court for the Southern District of New York, dated January 31, 2012 (Preska, C.J.); and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided, and no other or further notice needing to be provided; and the relief requested in the Objection being in the best interests of the Reorganized Debtors and their estates and creditors; and the Court having reviewed the Objection, all related pleadings,

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

and having held a hearing before the Court (the “**Hearing**”); and the Court having issued a Memorandum Opinion Granting Debtors’ Objection to Claim Numbers 69 and 70 [Docket No. 489] (“**Opinion**”); and the Court having determined that the legal and factual bases set forth in the Objection, the related pleadings, and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Objection is granted as provided herein and as set forth in the Opinion.
2. The response of Fisher Brothers Management Co. LLC and Fisher-Park Lane Owner LLC to the Objection [Docket No. 467] is overruled.
3. The Lease Claims are disallowed and expunged in their entirety with prejudice.
4. Garden City Group, LLC, the Reorganized Debtors’ notice and claims agent, is authorized to cause the claims register to be amended to reflect the terms of this Order.
5. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.
6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

7. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: June 3, 2015
New York, New York

/s/ Sean H. Lane
THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE